

June 29, 2006

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Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Applicant(s): Donohoe, Brendan M.; et. al.
Assignee: Cardica, Inc.
Title: Method and Apparatus for Creating an Opening in the Wall of a
Tubular Vessel
Serial No.: 10/054,745
Examiner: Bui, Vy Q.
Docket No.: 057

Filed: January 22, 2002
Group Art Unit: 3731

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter; and
- (2) Notice of Appeal.

Please charge Deposit Account 502108 in the amount of \$250.00 under 37 CFR 41.20(b)(1) for submission of a Notice of Appeal.


Please charge Deposit Account 502108 for any additional fees required, and credit deposit account 502108 any amounts overpaid.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S Patent and Trademark Office (Fax No. (571) 273-8300) on June 29, 2006.


Brian Schar

Respectfully submitted,


Brian A. Schar
Reg. No. 45,076
Director of Intellectual Property
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063
(650) 331-7162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(UNDER 37 CFR §41.31)**

Sir:

Applicants hereby appeal the Final Rejection of Claims 1-15, 17-31, 33-39 and 51 in the Final Office Action of May 18, 2006 to the Board of Patent Appeals and Interferences.

This is the second Notice of Appeal filed in this case.

No extension of time is believed to be required. If, however, an extension of time is required, please provide such extension of time, and please charge Deposit Account No. 502108 for the extension fee. Please charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502108.

Respectfully submitted,



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